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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,661	11/28/2001	Kurt Graber	111113	8433
25944	7590	09/14/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER TAWFIK, SAMEH	
			ART UNIT 3721	PAPER NUMBER

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,661

Applicant(s)

GRABER ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "said at least one individual" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the center" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the center" in 19. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher Drucker in view of Schneider (EP 0 210 634).

Drucker, discloses a method of producing a newspaper having at least one section which is formed at least from one centrally folded printed sheet the method comprising printing the

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sheets which form a copy of the newspaper sequentially one after the other by using a digital printing machine, each of the sheets bears a different printing (first line under the title of the invention) and/or applicants admitted in the background of the invention (specification page 2, lines 7-9) "...Digital printing machine, e.g. laser printers or ink-jet printers, in which a plurality of different pages can be printed sequentially,, are known."; feeding the sheets (1) that belong to the at least one individual section of the newspaper continuously one by one to a first collecting station (Fig. 1; via 1C); positioning the sheets that belong to the at least one individual section of the newspaper one above the other to form a sheet stack (Fig. 1; via 1C); conveying away the sheet stack from the first collecting station (Fig. 1; via to station 2); folding the sheet stack in order to produce the section (Fig. 1; via folding station 3); depositing the section on a second collecting station such that it comes to rest on an already deposited section (Figs. 1 and 3); repeating the steps until all the sections of the newspaper have been completed and positioned one upon the other to form a section stack (Fig. 1; via D). Drucker does not directly point out to producing a newspaper. However, Drucker discloses the method of producing "Nischenprodukte" in the German language, which as translated in Wählig D.W. ISBN 3-57710445-5 as "Product manufactured in small series, which product due to its character as its exclusiveness can only exist in a limited field of the market"; the examiner believes such "Nischenproduct" can be considered as newspaper. Note that newspaper any paper that is printed and distributed that contains news, articles of opinion, features, and advertising considered as newspaper, based on Merriam-Webster's dictionary. Drucker does not disclose the section stack is folded in "the center". However, Schneider discloses a similar method of producing folded

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articles with the step of stacking folded sheets (Fig. 3; via A1 and A2) and further folding stacked folded sections (Fig. 2), for the purpose of getting small sized articles.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Drucker's method of producing a folded article by having the step of further folding the stacked sections in order to come up with single stack and being able to move and ship the folded sections as one stack easier and faster.

Regarding claims 4: the sheets of the sheet stack are releaseably connected to one another in order to be conveyed away (Fig. 3).

Regarding claim 5: Drucker discloses that at least one printed product is fed to the second collecting station which is positioned and deposited on the section (Figs. 1 and 3).

Regarding claim 6: Drucker discloses that at least one printed product is fed to the collecting station and positioned on "the newspaper sections" (Figs. 1 and 3).

Regarding claim 7: Drucker does not disclose that the sheets of a width of from 420 to 508 cm and of a length of from 580 to 760 cm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Drucker's method of producing newspaper by having the sheets of a width of from 420 to 508 cm and of a length of from 580 to 760 cm, in order to come up with wider folded articles and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claims 8, 9 and 21: Drucker does not disclose that the sheet stack is conveyed away from the first collecting station at a speed which is greater than the speed of the sheets fed

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to the first collecting station nor using different conveying velocity. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Drucker's method by conveying the sheet stack in two different velocities, as a matter of engineering design choice, in order to control the folding and stacking operations and since applicants have not disclosed that the sheet stack is conveyed away from the first collecting station at a speed which is greater than the speed of the sheets fed to the first collecting station solves any stated problem or is for any particular purpose. Alternatively, the examiner takes an official notice that conveying product or stack of sheets with different velocity within a machine is old, well known, and available in the art, in order to introduce the articles or stack to communicate with different stations based on it's speed.

Response to Arguments

Applicant's arguments with respect to claims 4-9, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



JOHN SIPOS
PRIMARY EXAMINER